casements connected or intended to be connected therewith, shall at once cease determine and be invalid and the whole of said property shall revert to the railroad company, the same as though this deed had never been made; and the said railway company shall not be liable or responsible or in any way answerable for any expense or improvements that said city has placed thereon.

'In witness whereof said railway company has caused these presents to be signed by its president and secretary, and its corporate seal hereunto attached, this day and year above written."

Judge Dey Ignorant of Clause.

It was soon noised about the building that this discovery had been made and there was then a scurry to get under cover. Judge Dey, City Attorney, when seen by Mr. Sanford concerning this exumordinary clause, said, according to a statement made by Mr. Sanford in court. that he did not know the clause was

Morris Attempts to Dodge.

Mayor Morris, when seen, said he knew nothing of the clause, until his attention was called to it after the discovery, by Mr. Sanford, and attempted to dodge responsibility by saying that he had left the whole matter to the City Attorney's office. Mayor Morris further said that he did not approve of the clause in its present form, and would favor having it modified materially, so as to amply pro tect the city's rights.

#### But Deed Was Approved.

face of the fact that the deed, in its obnoxious form, had been approved by the City Council, passed upon by the City Attorney's office and sent to the City Auditor, the latter being the last step usually taken before recording documents of this character

#### Auditor Felt's View.

City Auditor Feit, when asked concern ing the matter, said that he would not have had the deed placed on record without again consulting the City Attorney, but as the City Attorney had passed the instrument through his office, it is not just clear as to the necessity for the Auditor to again consult him

Opinion of Le Grand Young.

In fact, Le Grand Young, attorney for the company, was under the impression that the iniquitous scheme had been con summated, and so stated in Judge Morse's the court's attention in the afternoon. Mr Young also stated that the ordinance had been published, but here, again, the astute attorney was in fault, and the trust will not be allowed to throttle the will

Critchlow Has the Ordinance.

Inquiry at the office of the City Recorder later brought the response that the ordinance, granting the extended franpossession and would not be published until an order to that effect was issued by the City Attorney

- Contention of Mr. Sanford.

When the matter of Mr. Homer's suit came up before Judge Morse in the afternoon, Mr. Sanford read the clause and stated to the court that he would insist on a preliminary hearing of the cause.

Young Believed It Fixed.

It was then that Judge Young, the trust's attorney, jumped to his feet with that the deed had been filed and the ordinance published, thus putting an end to the matter in controversy.

Deed Not Filed.

"No, it hasn't," was the response of Mr. Sanford. "The deed has not been filed and the ordinance has not been pub-

"Well," retorted Judge Young, "the restriction is all right, anyway. You probably would like to take our property away from us and give us nothing in return Judge Dev has seen this deed and apanoved it."

Don't Want to Be Tied Up.

We do not want your property for thing. Mr. Sanford retorted want to give you reasonable value for it, but we do not want to be tled up with a clause like this."

Young Informed of Error.

Assistant City Attorney Bramel was then appealed to on the question as to whether or not the deed had been recorded and the ordinance published, and he informed the court that Mr. Young was in error in his statement.

Judge Morse's View.

This brought the matter to a conclusion so far as the court was concerned, Judge Morse holding that, in view of the fact that the pleadings did not cover the obnoxious clause in the deed, he could take no action concerning it.

What Lawyers Say.

It does not take a logician to figure out the dilemma in which the city would have found itself, had it not been for the forunate and timely discovery of Mr. Sanford. There is no question, say lawyers, that even the slightest change or modifi cation of the company's franchise would work a complete revocation of the deed and leave the city without a foot to

Would Also Carry Improvements. It is even claimed by some that the

revocation would carry with it the improvements put upon the ground by the city. But now that the infamous scheme of the trust and city administration has been made public, the people will see to it that the wrong shall not be perpe-

#### PROCEEDINGS IN COURT.

Injunction Suit of Thomas Homer Before Judge Morse.

Thomas Homer's injunction suit against Salt Lafre City and the Utah Light and callway company occupied the attention of Judge Morse for a few minutes Thursday morning. The action, it will be remembered, was instituted by Mr. Homer



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to prevent the railway company from op-erating under the extended franchises, re-cently granted to the corporation by the City Council. The action is based upon the allegation that the Mormon members of the Council and Mayor Morris are, in reality, partners of President Joseph F. Smith, the head of the Utah Light and Railway company, and being such, their retion in greating the freechise his vice. action in granting the franchise is in vio-

Who Were Present.

When the matter was called Thursday When the matter was called Thursday morning there were present in court Mayor Morris, Councilmen Tuddenham, Wells, Barnes and Preece, Bishop Preston and Manager R. S. Campbell of the company. President Joseph F. Smith had been subpoenned, but was not present, having been excused from attendance, in view of the fact that it was known in advance that the matter would go over temporarily at least.

Attorney Dey Addresses Court.

Attorney Dey Addresses Court.

City Attorney Dey was the first attorney to address the court concerning the case. He informed Judge Morse that no restraining order had ever been issued, and that all the negotiations had been consummated. There was, in consequence, he said, nothing to do but to try the matter on its merits at some time satisfactory to all parties concerned. Judge Dey also called attention to the fact that Le Grand Young, counsel for the railroad company, was busy in another court.

Mr. Sanford States Real Issue.

Mr. Sanford States Real Issue. Mr. Sanford states Real Issue.

Mr. Sanford representing the petitioners, then said to the court that the real issue in the case was the matter of enjoining the company from operating under the franchise, and he did not know of his own knowledge, whether or not the company was doing any different from what it did under the old franchise.

To this Judge Dev replied that the action of the Council simply granted the company an extension of its franchise and that everything was going along as

Franchise a New One.

Franchise a New One.

"But we understand that the franchise is a new one." Mr. Sanford replied.

"As I understand the matter," the court said at this time, "the question here is whether or not the railway company should be restrained from doing any particular thing.

"As to that," Mr. Sanford replied, "from what we have been told here this morning it appears that the company is doing about the same as before. The important question in the case is whether or not the members of the church who voted the franchise are interested in the matter."

Question by the Court.

"Is the railway operating in a different manner now from what it did before the franchise was granted?" the court asked." asked. "Only in one particular," replied Mr. Young. "and that is in the matter of fares. We formerly charged 4½ cents for tickets where they were bought in quantities, and we now charge 4 cents. I take it that there will be no desire to force us to go back to the 4½-cent rate."

Requested to Investigate.

The court then said if it was the intention of the petitioner to show that anything was being done, that the company should be restrained from doing, he would take the case up, but otherwise it would go over for a hearing on its merits. His honor then directed Mr. Sanford to make an investigation and notify the court as to his pleasure in the matter at 2 o'clock in the afternoon.

Attention Called to Pard

Attention Called to Dead. At that hour Mr. Sunford again appeared before the court and called at-

tention to the wording of one clause in the deed, which prevented the city from making even the slightest change or mod-ification in the company's franchise, un-der pain of forfeiting every right trans-ferred by the company in Big Cottonwood canyon.

Hearing Set for November 6.

Judge Morse replied that he did not Judge Morse replied that he did not understand that this matter was covered in
the complaint, and Mr. Sanford said he
would look into the matter and probably
amend his complaint so as to cover it.
Mr. Sanford, however, insisted that the
matter should come up on the motion for
an injunction and it was set for November 6. The demourser of the railway company will be submitted at the same time.

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BANK OF CENTRAL AMERICA

Berlin Capitalists Found a Large Institution.

NEW YORK, Oct. 26.—Cable advices today from Berlin announce that the Deutsche bank and the Deutsche Ueberseelsche bank of Berlin Lassad Speyer-Ellissen of Frankfort on-he-Main and the Schweizerische Creditanstalt of Zurich have founded a bank with a capital of E. 260,660, to be called the Bank of Central tmerica, and which will have its head office n Berlin.

s. Berlin
The business of the bank will be started in
matemala, with the ultimate intention of
pening branch offices in the surrounding Cenral American countries.

Fresh Ranch Eggs-The real thing—no buncombe. Lunch Room, 154 South W. Temple

Find Bombs in Scrap Iron RIGA, Russia, Oct. 25 During the smelt of a quantity of serao iron at the Rin-Baltic car works today many bombs w found in the acrap iron ready for the furna one bornh exploded. The employees of Riga-Crei railroad struck today.

To Increase Capital.

BERLIN Oct. 25. The directors of the seutsche bank, it was announced today, will neet November I to act on a proposal to inthe bank's capital from \$45,000,000 to \$30,



40 Sizes, 10c to 50c Each. A. SANTAELLA & CO. Makers, Tampa, Fla. SOLD BY FIRST-CLASS DEALERS EVERYWHERE.

# YEAR OF HIS AGE

Friends of Ex-Bishop William Thorn Celebrate His Natal Day.

Mormon church workers and residents f the Seventh ward gathered in large numbers Thursday night at the residence of William Thorn, for more than tweny-five years bishop of the ward casion was a party in celebration of the ninetieth anniversary of Mr. Thorn's

omen, who were present, there was no ore enthusiastic participant than Mr. horn, notwithstanding the fact that he sed crutches to get about. His face was ontinually wreathed in smiles and he oade it evident that it was a source of reat pleasure to have his friends with im upon his natal day. Recall Dates and Incidents.

Mr. Thorn is a remarkable nonogenarian. Aside from using crutches and being slightly deaf, he enjoys perfect health, and has the full use of his mental faculties. He recalls dates and incidents as if his life of ninety years had only consumed one average day, and that recently.

Born at Chalford, Aston Parish, Oxford-bire, England, Mr. Thorn, at the age Born at Challerd, Aston Farish, Oxford-sbire, England, Mr. Thorn, at the age of 17, began earning his living as a hostler in a livery stable in the English metropo-lis. Later he became a jockey, and still later he engaged in the business of train-ing horses Immigrated to America.

On January 6, 1851, with a party of Eng-On January 6, 1851, with a party of Englishmen and women, who had accented the Mormon faith, Mr. Thorn embarked on a sailing vessel for America, with New Orleans as the objective point. After ten weeks on the water, he landed on American soil, and made his way up the Mississippi and Missouri rivers to Council Bluffs, 1s., from which point the immigrants traveled in ox carts across the plains and mountains to Salt Lake City, then four years old, arriving here October 2, 1851.

Made a Bishop. Made a Bishop.

Through his work for the church Mr. Thorn was promoted in the ecclesiastical rank from time to time, becoming a bishop and being assigned to the Seventh ward in 1877 He held that office until June, 1983, when he resigned.

New Pastor for Laramie. pecial to The Tribune.

LARAMIE. Wyo., Oct. 26.—Rev. R. A. Landsell of Victor, Colo., has been unanimously called to the pastorate of the Baptist church in this city. Mr. Landsell was present at the congregational meeting when the call was voted and it is believed be will accept.

Steamer Sinks Bark.

LONDON, Oct. 28.—The Norwegian bank Astrid, bound to Langesund, and the German steamer Schumberg, from Calveston for Hamburg, were in collision in Cushaven reads teday. The bank sank, but all on board were saved.

## SENATOR FORAKER REPLIES TO TAFT

Ohio Man Takes Up Question of Regulating Freight

DECLARES REMEDY NOW EXISTS IN THE COURTS

Wants It Pointed Out Wherein This Remedy Is Deficient.

fined to his home under the orders of his physician and compelled to cancel severa speaking engagements during the last few days, United States Senator Foraker has been following closely the agitation over the railroad freight rates, and today gave to the press a statement answering particularly the arguments advanced by Secretary of War Taft in his speech at Akron, O. last Saturday night. In the course of his statement Senator Foraker

Says It's Important.

o question has arisen in American ics in recent years of anything like importance excepting the free silver

Thinks It Worst Remedy. Thinks It Worst Remedy.

"So far as I am aware," says Senator Foraker, "It is universally admitted that in the past many evil practices have obtained, but some of them still obtain; that none of them should be silowed to continue, that any efficient and expeditious remedy should be provided against all of them in so far as legislation can provide. The sole difference is as to whether conferring the rate-making power on the interstate Commerce, commission is the only or even a necessary remedy. My contention is that it is not necessary and that of all remedies that have been suggested it is unqualifiedly the worst."

Not Afraid of Bryan. Senator Foraker says that if there be any occasion for conferring the rate-making power on the Interstate Comrecree commission it is not, in his opinion, to be found in the necessity for heading off and defeating any movement of a Populistic character under the direction of Mr. Bryan or any such political leader, as suggested by Secretary Taft.

Many Kinds Discriminations.

These discriminations consist not only of discriminations between shippers and localities, but discriminations between commodities in classification, by means of terminal charges, elevator charges, refrigerator charges and many other kinds of charges and devices too numerous to mention. mention.
"This has been a most serious trouble,"
continues the Senator. "We undertook to
deal with it when we passed the Elkins

Court Has Jurisdiction.

"There is no reason whatever why, if any locality thinks it is discriminated against, or any shipper thinks he is discriminated against, application should not be forthwith made for relief and relief secured if the charge can be sustained, for the court is by the statute expressly invested with full jurisdiction to entertain the complaint and administer a complete remedy. This statute has been in force ever since the 19th day of February, 1962.

Wants to Be Shown

Wants to Be Shown.

"If Secretary Taft or anybody else will tell me wherein this remedy is deficient or tell me in what manner a better remedy can be provided by conferring the ratemaking power on the Interstate Commerce commission, we shall then have reached the point where glittering generalities can be dismissed and intelligent discussion may commence."

Senator Foraker outlines the nature of the change which he would make in the present law in the following:

Benefit to Shipper.

Benefit to Shipper.

"Answering Secretary Taft's suggestion that the burden of all litigation should be placed on the railroads, it is no hard-ship on the shipper, but a direct benefit to him to require his proceeding to be under this statute, as it will be when amended. Because of the fact that there carnot be one change made without neamenued. Because of the fact that there carnot be one change made without necessitating hundreds and perhaps thousands of others, every such proceeding would be not for the benefit of the complaining shippers alone, but for a whole community of shippers, hundreds and probably thousands.

In Behalf of Public.

The proceeding would therefore in fact be in behalf of the public and should be in the name of the Government and at the expense of the Government or the railroads, as the courts may deem just and equitable, and in no case at the expense of the shipper. Start With Commission.

These proceedings should be commenced by complaint filed with the Interstate Commerce commission, which should conduct only preliminary investigations to the extent of determining whether or not there is probable grounds, and when that point is reached the whole matter should be turned over to the Department of Justice to be prosecuted, not before a special court, which it would be, I think, unwise to create, but before the Circuit court of the United States having jurisdiction in the particular case. "In this way these cases would be distributed throughout the whole country and be confined to a judicial system with which we are familiar, and the working strength of which we can increase as found necessary by the appointment of new Judges.

Go to Courts, Anyway. Start With Commission.

Go to Courts, Anyway. "Thus we would leave the making of rates in the hands of skilled men, but subject to review upon complaint made by courts skilled in the weighing of testimony, the analysis of facts and the application of the law and the same courts to which by the proposed legislation or any other legislation that may be suggested, the controversy will have to be submitted anyhow at some stage of the proceedings; for we could not if we so desired take away from the parties to the controversy the right to submit their contentions to the courts for final adjudica-

Produces Good Impression.

tentions to the courts for final adjudica-

ROME, Oct. 28.—The news that the United States cruiser Minneapolis had gone to Genoa to take part with the French and British warships in the ceremonies attendant on the inauguration of the new harbor works in Saturday produced the best of impressions. The press and foreign office show great appreciation of what is considered to be a delicate compliment on the part of the United States.

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#### TWO LITTLE CHILDREN SCALDED TO DEATH

Boiler of Water Upset Upon Them and They Both

Perish. Horrible in every detail was the accilent which resulted in the death of two

young children. Vern and Arthur Fuller

at Callente Tuesday night, the news of which reached Salt Lake Thursday. The

ittle ones were the only children of Mr. and Mrs. W. L. Fuller of Springville, and their death resulted from an overturned boller of hot water in a cook car operated by the parents. Car Struck by Engine. While the parents were engaged in pre-paring dinner for a gang of men employed on the Los Angeles railroad, the children were allowed to play about the car, and at the time of the accident they were di-rectly in front of but below the kettle or boiler of water. Without an Instant's warning the car was suddenly thrown for-ward by a switch engine coming in con-tact with it, and the collision overturned the boiler upon the children.

Little Bodies Fairly Cooked. Imprisoned as they were beneath the boiler, with the scalding hot water forced upon and around them, the little bodies were fairly cooked before the mother's eyes. The latter's screams brought help almost instantly, but before medical aid could be secured one of the children was dead and the other one died soon after reaching Sait Lake Thursday morning, the parents having started for this city on the first train after the accident occurred.

Bodies Taken to Evans's Morgue.

Side by side the two little bodies occu-pied places at S. D. Evans's morgue Thursday. Later they were prepared for burial and sent to Springville. As might be expected, the parents are both nearly prostrated with grief over the terrible ac-cident, and the fact that they are thus left childless makes the affliction almost unbearable.

HOLD REALTY ILLEGALLY Corporations, It Is Said, Permitted to Ignore Law.

Ignore Law.

CHICAGO. Oct 28.—The Daily News says:
"Millions of dollars worth of real estate is held by private corporations in Chicago. It is alleged, in direct violation of the law. The bulk of this property, it was discovered todos; is in the name of insurance companies or their officials.

The Illinois statutes provide that the companies shall offer for sale at public vendue, at least once a year, the property award by them or which has come into their possession through forselosure. This must be done for four years successively, and if after five years the corporations still hold the property, the State's Attorney of Cook county has never proceeded against them. "So far as known, the State's Attorney of Cook county has never proceeded against any insurance company or other corporation under the statute."

AGITATOR KILLS CHINESE

Says He Did It as Protest Against Immigration. VICTORIA, B. C., Oct. 28.-The steamer Mo-

ana teday brought news from Weilington, New Zeeland, of the murder of an old Chinamun by Llonel Terry, an English labor agitator who has lectured and worked in the United States, particularly on the Pacific coast.

Terry said that he killed the Chinaman as a protest against allen immigration. He was educated at Oxford and served in the Jameson raid and Matabele war.

Elliott Shepard Sentenced.

PARIS. Oct. 6.—The ninth correctiona ibunal of the Seine today sentenced iribunal of the Seine today sentenced Elliott Fitch Shepard, son of the late Col Elliott F. Shepard of New York, and a grandson of the late W. H. Vanderbilt, to three months' imprisonment and \$120 fine and to pay \$4000 damages to the parents of Madeline Mardul, who was killed by Shepard's automobile at St. Ouen, April 24.

BALTIMORE, Oct. 26.—Preceding the meeting of the bishops of the Methodist Episcopal church, now being held in Washington, the Rev. J. F. Goucher, president of the Women's College of this city, entertained a number of the bishops and prominent laymen, and as a result it was announced last night that one half of a desired half-million-dollar fund for the college had been pledged condition-

Templars Elect Ch



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